

CONTRACTS DO NOT HOLD GOOD

Chicago Board of Trade Gets a Black Eye.

IMPORTANT COURT DECISION

VERY EXISTENCE OF BOARD IS IN GRAVE DANGER.

CHICAGO, Sept. 13.—A most important decision against the Chicago board of trade was rendered today by Judge Axel Chytrous in the "July days corner" injunction cases. Not only does the opinion of the court, it sustained by higher tribunals, put an end to all corners in commodities on this exchange, but it strikes at the very life of the institution as now organized. The directors for all time have had their powers so curtailed that they cannot longer adjudicate upon property rights of the members of the association. Judge Chytrous goes even farther and says that under the charter of the board of trade, there is no provision for succession of membership, and asks the pertinent question: "What should become of the corporation when persons now composing the original board will be dead?"

Asked Court to Set Price.
The case in question was one brought by the commission firm of Waite, Thurn & Co. against the Chicago board of trade, the bank of Montreal and several prominent members of the board of trade, in which a temporary injunction was granted to prevent margins that were put up by the complainants from being handed down to the defendants. The injunction was made that the defendants had run a corner in July "standard" oats. The complainants, who had sold "short" to the defendants, were not denying their contracts and while declaring their purpose to make good these same contracts, made protest against having the case adjudicated by the board of trade, as provided by the by-laws of the association. The "standard" oats in question were of a grade and fitness almost impossible to obtain in sufficient quantities to fill contracts during July, because of delay to come by rainy weather. In the bid on "change highly" netitious prices had been put on this commodity, and the complainants asked the court to set a fair price between which price and the one at which they had contracted the difference might be paid. This was filed July 30, one day before settlements were required. Shortly after this time three other cases were filed by the same complainants against various defendants; ten cases by Pratt, Buckley & Co.; six cases by H. C. Avery & Co.; and one case by J. Henry Noyes. By common consent all cases were affected by the same ruling.

The Court's Ruling.
The court said in ruling that as far as the merits of the case were concerned, it did not matter whether there was a corner, for it was taken for granted that an honest price was intended. This part of the opinion was decided at a further hearing, which will be had. The decision makes the injunction in force until this hearing of facts is had. The losing parties have appealed, but this does not prevent further hearing.

The gist of the decision is that a special committee, which, according to the board rules, should be appointed by the president to adjudicate such differences, has no authority to act in matters where property rights are involved. The rights of the directors of the board to preserve the integrity of its rules so far as disciplining members is concerned by fine, suspension or expulsion, is upheld by the court as their proper rights, but he rules against the question that "against the will of the complainants, the power of disposal over that money which in a sense has been placed in trust or escrow exists in a select committee of three disinterested persons, members of the association, to be appointed by the president, i. e., whether the money can be appropriated by such a committee to the contracting defendants."

Complainants Not Bound.
Regardless of the fact that the complainants agreed to be bound by the rules which provide for settlements of disagreements, the court ruled that they were not bound; that the arrogating of such power to such a body was against public policy, and "that it would be introducing sovereignties within a sovereignty for the function of constraining the law."

The court goes into great detail to learn the merits of the case, speaks at some length of the operations upon the board of trade, of the benefits to the community from the institution and the great influence it exerts on the commerce of the world. It holds that as a corporation not for profit it possesses governmental and disciplinary powers over the members that are not possessed by stock organizations, where money or property rights are directly involved. The general power to pass upon the right of property in the margins in question, however, is held a judicial power, which never can be considered to have been delegated or confirmed by dubious implication.

"The ordinary courts of justice," said the court, "constituting one of the branches of our government, are not to be, and should not submit to being, excluded or ousted of jurisdiction by intervention."

With some sarcasm the court adds: "The masterly opinion of the court, which has been so successful in appeal to the common law courts of the state commands our admiration. Think of the long time of operation that has proved the scheme a successful one. The loser who may feel himself aggrieved and who may know himself to have been wronged by the operation of a corner, or otherwise, at law, can only sue to get his money back."

"Even that remedy is by the remoteness of the scheme abridged. For it is possible for him to do even that only after he has an award or adjudication against him by the board of trade committee or tribunal."

HOPE OF RECOVERY.

Boise, Ida., Sept. 13.—Dr. T. S. Morden, who was accidentally shot last evening, is getting along well, and there is hope of his recovery. The ball entered between the eleventh and twelfth ribs on the left side and lodged in the muscles near the upper end of the spine. It was located this evening. The greatest danger seems to be from shock to the heart.

Colored Shirts.

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PROVO EXCURSION.

Sept. 15 and 16.

Via Oregon Short Line. Only \$1.00 round trip. Tickets good returning until Sept. 17. Trains leave at 7:55 a. m., 9 a. m. (Tuesday special) and 7:05 p. m. Special returning after convention Tuesday.

WHAT WAS DONE NOT DIVULGED

Conference at Harrisburg to Discuss Strike Situation.

CALLED BY GOVERNOR STONE

PRESIDENT MITCHELL AND DISTRICT LEADERS PRESENT.

HARRISBURG, Pa., Sept. 13.—The conference between Governor Stone and President John Mitchell of the United Mine Workers of America, on matters pertaining to the strike, ended at 4:30 o'clock this morning after a discussion of two hours and a half. The others at the conference were State Senator William Flynn of Pittsburgh, a political friend of the governor, and a large employer of laborers in Allegheny county; M. E. McMullin of Pittsburgh, a wealthy man of many interests; Colonel W. P. Richardson of Harrisburg, keeper of the state arsenal, and assistant quartermaster of the national guard, and District Presidents Thomas D. Nichols of Scranton, Thomas Duffy of McAdoo and John Fahey of Shamokin. At the conclusion of the meeting Governor Stone gave to the waiting newspaper correspondents the following written statement:

"Messrs. Mitchell, Nichols, Fahey, Duffy, Senator Flynn, Colonel Richardson and Governor Stone have been in conference. All the differences have been discussed with the best of feeling."

Their Lips Sealed.
Every effort to get the participants in the conference to divulge what took place proved unavailing. Messrs. Mitchell, Duffy and Fahey took the 4:40 a. m. train for Wilkesbarre. Mr. Nichols remained here. President Mitchell before leaving would not even say whether the conference was satisfactory to him and his district presidents.

While no official information can be had on the matter it is believed here that Governor Stone and his colleagues submitted a proposition to President Mitchell which will tend to end the struggle in the hard coal field.

The conference was the result of the visit of Governor Stone, Senator Flynn, Attorney General Elkin, Mr. McMullin and P. A. B. Widener, Philadelphia, to New York a few days ago when Mr. Widener called on J. P. Morgan. The meeting was called at the instance of the governor.

The Governor's Plan.

There was a rumor in circulation that Governor Stone wanted the miners to return to work and have the operators adjust the differences afterward. It can be authoritatively stated that the men will not return to work on those conditions.

Attorney General Elkin and Mr. Widener were invited to the conference. It was then on the 11th that the miners not here in time, but no reason was assigned for Widener's absence.

Senator Flynn left at noon for Pittsburgh. J. K. McMullin of Pittsburgh, who came to Harrisburg to attend the conference went east on an early morning train, and it is presumed he has gone to New York to meet J. P. Morgan and tell him what occurred at the conference.

District President Nichols, the only one of the strike leaders who remained in Harrisburg, would say nothing about the conference. He was asked if he thought the meeting would result in a settlement of the strike. All the persons who were present evidently had determined to make no statement for fear that they might say something that would interfere with their plans for settling the strike.

No Good Will Result.

Tamaqua, Pa., Sept. 13.—John Fahey, president of District No. 7, of the United Mine Workers, and Thomas D. Nichols, president of District No. 1, returned to the region today after attending the conference with Governor Stone at Harrisburg. Both gentlemen refused to disclose the nature of the plan of settlement that had been submitted to them by Governor Stone. They both intimated, however, that the conference had been satisfactory to the officers of the organization of miners.

Mr. Fahey said he thought Governor Stone is sincere in his effort to settle the strike. It was evident, however, that both the leaders were considerably crestfallen over the result of the meeting. Local leaders here say they expect little or no good to come from the Harrisburg conference.

Mitchell Returns Home.

Wilkesbarre, Pa., Sept. 13.—Tired and worn out after his flying trip to Philadelphia and Harrisburg, President Mitchell returned to Wilkesbarre this morning. He said the interview with Governor Stone was a pleasant one. The strike situation was discussed in all its phases, but the governor had no proposition to make for a settlement of the strike. Asked whether he thought the governor would call an extra session of the legislature, Mr. Mitchell said he did not know.

STORY EMPHATICALLY DENIED

Vickers-Maxim Company Not Sold to United States Steel Corporation.

London, Sept. 13.—The recurring report of the purchase of the Vickers-Maxim company by the United States Steel corporation is emphatically denied. In this connection a gentleman closely identified with big American purchases of war munitions from the Vickers company prior to the Spanish war said to a representative of the Associated Press: "Not only has the Vickers company not been bought by Americans, but I do not think there is much inducement for such a deal. The fact is that the United States in 1898-99 got over \$1,000,000 worth of material from the English company, and I think the American war department, therefore, knows everything worth knowing about the Vickers' special products, and that if another war came on it could duplicate anything wanted for American arsenals and navy yards without going to an English company to get it."

SYMPATHY OF MANY FRIENDS.

Telegrams Pouring in Upon Senator Stewart of Nevada.

The Hague, Sept. 13.—United States Senator Stewart of Nevada, who is here in connection with the Pius fund arbitration case, was today the recipient of a host of telegrams of sympathy on the death of his wife, who was killed in an automobile accident at Alameda, Cal., yesterday.

Senator Stewart has not yet decided when he will depart for the United States. The arbitration court opened Monday, but the question of postponement of the Pius fund case for reasons not connected with Senator Stewart's bereavement is regarded as not improved.

Necessary Articles

For the man in Handkerchiefs and Suspenders. Extensive lines for selections.

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OGDEN NEWS

Ogden Office, 203 Eccles Building. Telephone 14.

Ogden, Sept. 14.

MARRIED ARE SEVERED

Couple Wed on Friday Are Separated on Saturday—Groom Blames Minister.

Miss Gertrude F. Hendricks and James M. Darby were yesterday freed, so far as a court decree can free them, from the alleged matrimonial bonds tied the previous day, or, in the vague language of one of the legal documents, freed from "certain marriage, or agreement to marry, or both." Attorney Henderson appeared in the district court yesterday morning and filed the complaint, drawn the day before, in which the girl charged that Darby had used misrepresentation and instrumentation to get her consent to the marriage license and ceremony, and asking that the license and ceremony be annulled as they had never been. Darby, anxious to get out of an unpleasant situation, had signed an answer, admitting the complaint and asking that the decree be granted. Judge Rolapp promptly granted the petition and incidentally gave Darby a roast that still rankles in his soul.

Darby is a well preserved, horny-handed ranchman, and after the decree and the roast he bethought himself that perhaps, after all, he might not be entirely out of the scrape, so he sought Judge Maginlin for legal advice. Maginlin hastily consulted the court records, but found it too late, as all the papers had been filed. He did, however, draw up a release, absolving Darby from all future liability, and after much discussion the girl consented to sign the following agreement:

Agreement

Entered into this day by and between Gertrude F. Hendricks, party of the first part, and James M. Darby, party of the second part, to wit: That for and in consideration of the sum of \$55, lawful money of the United States, this day in hand paid by the said party of the second part to the said party of the first part, hereby releases the said party of the second part from any and all liability under which he now is, if any there be, growing out of a certain marriage or agreement to marry, or both, which has been or attempted to be annulled by a decree of the district court of the Second judicial district.

Witness our hands this 13th day of September.

GERTRUDE F. HENDRICKS, Party of the First Part.

JAMES M. DARBY, Party of the Second Part.

In the court proceedings the First National bank and the Boyle Furniture company were made party defendants, merely to protect certain financial interests in the transaction. Darby had money in the bank and the bank had bought furniture before the ceremony, intending to take the same up to the Idaho ranch.

Darby talked quite freely of the affair yesterday and attributes his failure to land the girl to the meddlingness of the Methodist minister. Rev. G. S. Warner, "I never deceived a girl," said Darby. "I told her the plain truth. We have been corresponding for about two years. I sent her money to come to Ogden from Council Bluffs, and together we went on a boat service furniture after she arrived here. We went up and got the license and went to the Methodist minister to get the ceremony performed. He asked her about a thousand questions and she gave the whole snap away. Then she cried and the minister sent us out to talk it over. We did so and then went back to get married. After the ceremony she broke down and then the preacher got at her again and she said she was sorry, and I thought we had better call it all off. I did not care how, and I took the easiest way out of it. I thought."

Married and Sundered.

Miss Hendricks returned yesterday to her home in Council Bluffs. Darby may remain in Ogden for two or three days.

There is considerable difference of opinion among the legal fraternity about the question whether either of the parties can legally contract marriage again without the formality of a divorce. Some of the attorneys insist that a marriage contract cannot be annulled except by routine divorce proceedings, but as neither party have a residence in this state they cannot bring an action for divorce in this court. The attorneys taking this view hold that the young lady deliberately entered into the marriage contract when she was warned by the minister and other friends and that the deception practiced to get her to come from Iowa has no bearing on the contract finally entered into.

However, neither of the parties will be apt to raise the question.

Dead Body Found.

A dead body almost completely decomposed was found west of the forks of the river some distance north of the Adams Canning factory yesterday afternoon by some boys who were hunting frogs in the vicinity. The body was in a slough and appeared to have floated down the river probably during the high water last spring. There was little left but the skeleton and nothing whatever in the way of clothing or personal articles to determine the identity of the body. The boys notified Sheriff Layne, who went out and investigated and will go out again this morning with the undertaker to get up the remains. The sheriff gives it as his opinion that the skeleton was that of a woman.

Ogden Churches.

First Baptist Church.—On Grant, near Twenty-fourth street. Bible school at 10 a. m. Sunday is rally day, and every scholar, young and old, should be present. Morning worship at 11 o'clock. Special sermon to the children will occupy ten minutes before the regular sermon. Parents are invited to bring their children to this service. B. Y. P. U. at 7 a. m. Evening service at 8 o'clock. The Rev. T. L. Ketman of Chicago will begin a series of meetings, to continue till Wednesday night. Mr. Ketman is one of the strongest men among the younger men, and the opportunity to hear him these few evenings should be considered a great privilege by everybody. He will hold special meetings for children and Sunday school workers the afternoons of his stay at 4:30. Please let every person feel we have an urgent invitation. Ora C. Wright, pastor.

Services at the Congregational church today at 11 and 7:30 o'clock. Mr. Gorken will speak at both services.

Church of the Good Shepherd (Episcopal)—Grant avenue and Twenty-fourth street. Regular services, 11 a. m. and 8 p. m. Rev. G. F. Plummer will officiate.

First Presbyterian Church.—Morning service at 11. Subject: "Hagar." Sunday school at 12:15. Christian Endeavor service at 7. Evening preaching service.

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Expert Refractionist.

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See at 8. Subject: "Historic Causes Leading to the Formation of the Westminster Standards and Their Implanting in the American Presbyterian Church." There will be good music at each service.

First Church of Christ Scientist.—Church office, corner Twenty-fourth street and Lincoln avenue. Services, 11 a. m. Subject: "Matter." Sunday school, 10:15 a. m. Wednesday evening meeting, 8 p. m. All are invited. Free reading rooms suite, 212 Eccles building; open daily from 2 to 5 p. m. All welcome.

Ogden Briefs.

George A. Smith was in Ogden yesterday. Oliver Crittenden and Mrs. Julia Cole Critchlow were married Friday at Coalville. The bride's home was in Ogden.

D. J. Farrell of Portland, Ore., but formerly in the employ of the Pacific Express company in Ogden, is visiting friends in this city.

The Weber County Fair association directors held a meeting yesterday afternoon and further perfected arrangements for the opening of the fair week after next. The building is almost completed.

Hubert R. Doremian is prominently mentioned as candidate on the Republican ticket for county attorney, Mr. Halverson, the present holder of the office having his eye on a legislative position.

Democrats of Weber county have selected the Rio Grande Western as the official route to the state convention to be held in Provo Tuesday, Sept. 16. Special train leaves Ogden at 8:15 a. m., arriving at Provo at 10:15. The special will return leaving Provo at a convenient hour after the adjournment of the convention.

Close By.

Your chance to fall under wear. We have the garments to supply you. All qualities and sizes.

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HEALTH OF THE CITY.

The birth report to the board of health for the week ending Sept. 13, shows the report of twenty-one male children and nineteen females. The deaths for the same period numbered fifteen males and twelve females. Of this number eight were over 15 years of age. Two bodies were brought here for interment and eight were shipped away for burial.

There were eight cases of scarlet fever in quarantine at the close of last report. Four new cases developed during the week and a like number having been discharged, left eight cases in the city, the same as the previous week.

Five new cases of diphtheria were reported, one case died and one was released, leaving six cases in quarantine, double the number of the preceding week.

Two cases of smallpox held over from last week were released and no new cases having developed, left two cases in detention.

Of the other cases required to be reported, there were sixteen of typhoid fever, one of measles and one chicken pox.

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Service and expert work, this you give. It's unsurpassed on. Shirts, Collars, Cuffs, Flannels, Blankets and Lace Curtains. TROY LAUNDRY.

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PROVO EXCURSION.

Sept. 15 and 16.

Via Oregon Short Line. Only \$1.00 round trip. Tickets good returning until Sept. 17. Trains leave at 7:55 a. m., 9 a. m. (Tuesday special) and 7:05 p. m. Special returning after convention Tuesday.

Sore Hands

Red Rough Hands Itching Palms and Painful Finger Ends.

ONE NIGHT CURE.

SOAK the hands on retiring in a strong, hot, creamy lather of CUTICURA SOAP. Dry, and anoint freely with CUTICURA OINTMENT, the great skin cure and purist of emollients. Wear, during the night, old, loose kid gloves, with the finger ends cut off and air holes cut in the palms. For red, rough, chapped hands, dry, fissured, itching, feverish palms, with shapeless nails and painful finger ends, this treatment is simply wonderful.

Millions of People

Use CUTICURA SOAP, assisted by CUTICURA OINTMENT, for preventing, curing, and beautifying the skin, for cleansing the scalp of crusts, scales, and dandruff, and the soothing of falling hair, for softening, whitening, and cooling red, rough, and itching hands, for baby rashes, itches, and irritations, and for all the purposes of the toilet, bath, and nursery. Millions of Women use CUTICURA SOAP in the form of baths for annoying inflammations, chafings, and excoriations, or too free or offensive perspiration, in the form of washes for ulcerative weaknesses, and for many sensitive, antiseptic purposes which readily suggest themselves to women.

COMPLETE HUMOUR CURE, \$1.

Consisting of CUTICURA SOAP (25c.), to cleanse the crusts and scales, and soften the thickened skin; CUTICURA OINTMENT (50c.), to soothe, and soothe and heal; CUTICURA LAXATIVE PILLS (50c.), the new chocolate coated substitute for liquid laxatives, to cool and cleanse the blood. A SINGLE SET is then sufficient to cure the severest case, especially of baby humors.

Sold throughout the world. British Depot, 27, Abchurch Lane, London, E.C. 4, England. U.S. Depot, 100, Broadway, New York, N.Y. Price, 25c. per box. Free trial sample on request.

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DON'T GET IN A SWEAT

Perspiration—"sweat" is what the Bible and we common people call it—is a way nature has of driving out of the body refuse that has no business there. We sweat more in summer, because, in the overheated bowels, undigested food ferments more quickly than in winter and produces irritating acids and gases. The bowels, overworked, try to relieve themselves by violent convulsions, causing terrible gripes and colics, and diarrhoeal discharges so acid as to make you sore, and leaving the intestines weak and worn out. Nature assists body-cleaning by sending the filth out through the pores of the skin. It is not safe to stop perspiring altogether but most of the impure matter should be sent out by natural movements of the bowels, and the offensive, ill-smelling, linen-staining sweat done away with. Keep your bowels strong all summer with the pleasant, candy cathartic CASCARETS, that clean the system and don't allow the excrement to be sweated out through the pores. Take a tablet every night, before going to bed. They work while you sleep and make you feel fine and cool all day.

Best for the Bowels. All druggists, 10c, 25c, 50c. Never sold in bulk. The genuine tablet stamped C. C. C. Guaranteed to cure or your money back. Sample and booklet free. Address: Sterling Remedy Co., Chicago or New York.

HONOR TO STRONG MEN.

To feel young again! To realize the joyous sparkle of nerve life as it infuses the body with its glowing vitality; to feel the magnetic enthusiasm of youthful energy; to be happy, light-hearted and full of joyous impulses; to be free from spells of despondency, from brain-wandering, from the dull, stupid feeling; to have confidence, self-esteem and the admiration of men and women! Such is the wish of the broken-down man, and it may be gratified.

Weak Men Can Be Cured.

Men who are "only half men" can be made the most perfect specimens of physical manhood by wearing Dr. McLaughlin's Electric Belt. It is worn for six or eight hours daily, mostly during sleep. It pours a glowing stream of electric energy into the weakened nerves and organs, filling them with the vigor of youth. From the first day a new spirit is felt in the veins, the joyous ambition of youth springs forth, and you are a man among men.

Dr. McLaughlin's Electric Belt

Has made thousands of homes happy. It is as good for women as for men. Man and wife can use the same Belt. The regular makes it strong or mild, to suit the wearer. It is the only Electric Belt in the world that can be regulated while on the body. You feel the power, but it does not burn and blister as do the old-style bare metal electric belts.

FREE BOOK I want you to call if you can and test it free. If you can't call, send for my book, which gives full information and is worth 100 to any weak man. Sent free, closely sealed.

CAUTION Beware of medical concerns offering "Electric belts free," and the professor with his cheap Belt. This offer is only a trick to fool the unwary. Write to me for an explanation of the trick.

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LADIES' FINE SHOES.

These famous Shoes were bought for Spot Cash at a price that enables us to save you from 85c to \$1.50 on every pair. Take into consideration that ordinary dealers must sign a contract whereby they agree to sell only at manufacturer's price stamped on every sole, and you will realize what an exceptional offer we are making you.

The Tables are Turned, We Control the Manufacturer. We make the price, not the maker.

MONDAY MORNING we place these shoes on Sale at

A Few of the Styles for Men.

"UNIVERSITY" \$1 Box Calf Shoe, 3 soles of leather clear back to heel; heavy yellow rope stitch all around heel. Our price—\$2.65

"UNIVERSITY" Box Enamel Lace Shoe, new toe shape, rope stitch sole, a very well street shoe. Our price—\$2.65

"UNIVERSITY" Velour Calf Lace Shoe, medium weight sole, uppers light and flexible. Our price—\$2.65

"UNIVERSITY" \$4 Patent Leather, in lace or button, medium sole, neat toe shape, a dress shoe for a suitable wear. Our price—\$2.65

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